

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

JANE DOE,

Plaintiff,

v.

Case No.: 23-CV-0020

Jury Trial Demanded

CHD RACINE HOTEL LLC,
BROOKLYN DEPREZ, ROGIEROSS
CALMA, JOHN DOES 1-10,
ABC INSURANCE COMPANY, and
XYZ INSURANCE COMPANY,

Defendants.

**PLAINTIFF'S CIVIL LOCAL RULE 7(h) EXPEDITED NON-DISPOSITIVE MOTION
FOR LEAVE FOR PUBLICATION OF SUMMONS AS TO BROOKLYN DEPREZ**

NOW COMES Plaintiff Jane Doe, by and through her attorneys, Cade Law Group LLC, to request leave of Court for publication of summons as to Defendant Brooklyn DePrez. For the reasons stated herein, and pursuant to Civil Local Rule 7(h), F.R.C.P. 4, and Wis. Stat. Sec. 801.11, Plaintiff requests this Court's leave to allow her to submit a summons via publication.

LEGAL STANDARD

Under Rule 4(e)(1), a plaintiff may serve an individual under the methods allowed by the state law in the state where the federal district is located. Wisconsin law requires that a plaintiff attempt service on an individual either by personally serving the summons or, if the defendant cannot be served personally with reasonable diligence, by "leaving a copy of the summons at the defendant's usual place of abode in the presence of some competent member of the family at least 14 years of age, who shall be informed of the

contents thereof.” Wis. Stat. § 801.11. Section 801.11(1)(c) describes service by publication and mail, indicating that if a plaintiff cannot effect personal service “with reasonable diligence, service may be made by publication of the summons as a class 3 notice, under Ch. 985, and by mailing. If the defendant's post-office address is known or can with reasonable diligence be ascertained, there shall be mailed to the defendant, at or immediately prior to the first publication, a copy of the summons and a copy of the complaint. The mailing may be omitted if the post-office address cannot be ascertained with reasonable diligence. Chapter 985 requires that legal notice be published “in a newspaper likely to give notice in the area or to the person affected.” Wis. Stat. § 985.02(1).

ARGUMENT

At this point, all diligent efforts to serve Ms. DePrez and locate a proper address have been unsuccessful and Plaintiff requests to submit the summons to newspapers for publication. Plaintiff filed her Request for Issuance of Summons as to Brooklyn DePrez on March 27, 2023. *Dkt. 4-1*. Personal service was attempted twice on Brooklyn DePrez (at two separate addresses) but was unsuccessful. An Affidavit of Non-Service was returned after process servers were unable to locate Ms. DePrez at two potential residential addresses. *Dkt. No. 6*. The affidavit identifies a woman at the first address who stated that Ms. DePrez was a former occupant, but that she believed Ms. DePrez now lived on Carlisle Avenue in Racine, WI. The process server then attempted service a second time at a residential address on Carlisle Avenue. There, the occupant stated that Ms. DePrez was her son's ex-girlfriend, but that Ms. DePrez no longer resided with them. The woman did not have Ms. DePrez's current location. *See id.*

On April 7, 2023, Plaintiff's filed a Request for Issuance of Summons requesting that all defendants, including Ms. DePrez, file a written demand for a copy of the complaint and the failure to do so would generate legal consequences. *Dkt. No. 7*. Ms. DePrez has failed to request a copy of the complaint and more than 40 days have passed. Plaintiff has not located a current address for Ms. DePrez and requests the Court to allow publication of her summons in local newspapers pursuant to Wisconsin law.

CONCLUSION

Therefore, Plaintiff respectfully requests leave of Court to effectuate proper service on Brooklyn DePrez via publication.

Dated this 24th day of May, 2023.

CADE LAW GROUP LLC

By: s/Annalisa Pusick

Nathaniel Cade, Jr. SBN: 1028115

Annalisa Pusick SBN: 1116379

Antonique C. Williams SBN: 1051850

P.O. Box 170887

Milwaukee, WI 53217

P: (414) 255-3802

F: (414) 255-3804

E: nate@cade-law.com

E: annalisa@cade-law.com

E: antonique@cade-law.com